

market since we adopted the Broadband PCS Order over two years ago. These changes have not only included the introduction of new service providers, but also, entirely new forms of competition and the emergence of a variety of forms of integrated service offerings and "one-stop shopping" to benefit consumers. In the past several years, a number of new wireless service providers have emerged; competition in all forms of telecommunications service (including long distance, local exchange and wireless) has expanded; and large numbers of consumers are increasingly being given options for various integrated service packages (combining not only local, long-distance and wireless services, but also basic and enhanced services, as well as customer premises equipment). We believe that these developments benefit consumers, promote competition, and are in the public interest. These changes will now proceed even more rapidly with the enactment of the Telecommunications Act of 1996.

12. We have also re-examined whether the existing non-structural safeguards, which we have applied in the PCS context and, more broadly, in the overall CMRS context, are adequate in the cellular context to eliminate the BOC structural separation requirements.

13. Based on the foregoing, we have tentatively decided that the requirements of Section 22.903 no longer serve the public interest. We seek comment on our conclusions that:

- (a) the existing non-structural safeguards are adequate to address the concerns underlying the BOC cellular structural separation rule; and
- (b) PCS and cellular service are sufficiently similar that they should be treated the same for purposes of our separation rules.

14. In addition, in light of the record accumulated to date in the various proceedings described above, and this tentative decision, we also believe that the public interest would be served by granting the BOCs various forms of interim relief pending the outcome of this proceeding. Specifically, we are hereby granting to all BOCs a waiver of subsections (b)(2), (b)(3) and (b)(4) of Section 22.903, and we are amending the definition of "BOC" for purposes of subsection (d) so as to conform to the earlier version of the Rule (Section 22.901) which made clear that "BOC" referred only to the affiliate(s) of the cellular carrier which provides landline local exchange service.²⁰ We believe that these changes will benefit consumers and are in the

²⁰ The Commission may waive or amend its rules on its own motion. See 47 C.F.R. §§ 1.3 and 22.119.

public interest. In addition, we believe that, regardless of whether the Commission ultimately decides in this proceeding to eliminate all of Section 22.903, the existing non-structural safeguards are fully adequate to address the concerns underlying the foregoing subsections of the Rule.

15. Commenters are invited to submit any new information in support of the elimination or retention of Section 22.903 (in whole or in part). Comments should not merely reiterate parties' positions already on the record, but should instead respond specifically and directly to the Court's opinion and the appropriate Commission response, and our tentative decision to eliminate Section 22.903 based on the conclusions listed in paragraph 13, supra. As noted above, we have considered and will continue to consider the impact of regulatory changes and marketplace developments that have occurred during the intervening period. We invite comment regarding the impact of these factors on our tentative decision. Finally, we wish to advise commenters that they should confine their comments to the specific issue of whether we should eliminate Section 22.903 and they should not address other unrelated issues regarding the regulatory treatment of CMRS generally.

IV. PROCEDURAL MATTERS

A. Ex Parte Rules

16. This is a non-restricted notice and comment rule-making proceeding. Ex parte presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed as provided in the Commission's rules. See generally, Section 1.1206(a) of the Commission's Rules, 47 C.F.R. § 1.206(a).

B. Regulatory Flexibility Analysis

17. As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 601 et seq. (1981), the FCC has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact of the rule change proposed in this Notice on small entities. The IRFA is set forth in Appendix A to this Notice. The Secretary shall cause a copy of this Notice, including the IRFA, to be sent to the Chief Counsel for Advocacy of the Small Business Administration in accordance with Section 603(a) of the Regulatory Flexibility Act.

C. Authority

18. This action is taken pursuant to Sections _____ of the Communications Act of 1934, as amended; 47 U.S.C. §§ _____.

D. Further Information

19. For further information regarding this Notice, contact _____, Wireless Telecommunications Bureau at (202) 418-_____.

V. ORDERING CLAUSES

20. Accordingly, IT IS ORDERED that NOTICE IS HEREBY GIVEN of the proposed regulatory change described above, and that COMMENT IS SOUGHT on this proposal.

21. IT IS FURTHER ORDERED that all BOCs are hereby granted a waiver of subsections (b)(2), (b)(3) and (b)(4) of Section 22.903, and subsection (d) is hereby amended to delete "the BOC or its affiliates" and substitute "its affiliated incumbent local exchange carrier(s)."

22. IT IS FURTHER ORDERED that the proposed action is authorized under Sections _____ Communications Act as amended; 47 U.S.C. §§ _____.

23. IT IS FURTHER ORDERED that, pursuant to applicable procedures set forth in Sections 1.415 and

1.419 of the Commission's Rules, 47 C.F.R. §§ 1.415 and 1.419, COMMENTS SHALL BE FILED with William F. Caton, Acting Secretary, Federal Communications Commission, 1919 M Street, N.W., Room 222-Stop: 1170, Washington, D.C. 20554 on or before March __, 1996, and reply comments SHALL BE FILED with the Secretary on or before March __, 1996. To file formally in this proceeding, you must file an original and four copies of all comments, reply comments, and supporting comments. Parties wishing each Commissioner to receive a personal copy of their comments must file an original plus nine copies. Parties should also file one copy of any document filed in this docket with the Commission's copy contractor, International Transcription Service, Inc., Suite 140, 2100 M Street, N.W., Washington, D.C. 20037. Comments and reply comments will be available for public inspection during regular business hours in the Reference Center of the Federal Communications Commission, 1919 M Street, N.W., Washington, D.C. 20554.

24. IT IS FURTHER ORDERED that, since the Commission must reach a decision in an expeditious manner in light of the instructions of the Sixth Circuit, comments on the issues raised in this Notice shall not exceed thirty double-spaced typed pages, and

reply comments shall not exceed twenty double-spaced
typed pages.

FEDERAL COMMUNICATIONS COMMISSION

William F. Caton
Acting Secretary

APPENDIX A

Initial Regulatory Flexibility Analysis

As required by Section 603 of the Regulatory Flexibility Act, 5 U.S.C. § 603, the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the expected impact of the proposed rule change on small entities. Written public comments are requested on the IRFA.

Reason for Action

This Second Notice of Proposed Rulemaking and Tentative Decision is initiated to obtain comment regarding the appropriate action the Commission should take in response to the Court's remand of the Commission's decision in the Broadband PCS Order regarding Section 22.903 of the Rules, and the tentative decision to eliminate the Rule.

Objective

The Commission seeks to review and perhaps eliminate Section 22.903 (in whole or in part) in light of the Court's decision and other factors, including changed market conditions. The Commission has tentatively decided that elimination of Section 22.903

will benefit consumers, promote competition, and provide regulatory symmetry.

Legal Basis

The proposed action is authorized under the Omnibus Budget Reconciliation Act of 1993, Public L. No. 103-66, Title VI § 6002(b), and Sections 3(n), _____, _____, 332 and _____ of the Communications Act of 1934, as amended, 47 U.S.C. §§ _____.

Reporting, Recordkeeping and Other
Compliance Requirements

The proposed rule change would make applicable to BOCs which provide cellular service certain existing reporting, recordkeeping and other compliance requirements.

Federal Rules Which Overlap, Duplicate
or Conflict with the Proposed Rule Change

None.

Description, Potential Impact and Number
of Small Entities Affected

None. However, after evaluating the comments in this proceeding, the Commission will further examine the impact of the proposed rule change on small entities and

set forth our findings in the Final Regulatory Flexibility Analysis.

EXHIBIT 3 -- Forum Attendees



C T I A

Cellular
Telecommunications
Industry Association
1111 Elm Street, NW
Third Floor
Washington, DC 20036
202-735-0081 Telephone
202-735-0721 Fax

THE INTEGRATION OF NEW SPECTRUM INTO THE WIRELESS WORLD
October 28 - 29, 1993
Doubletree Hotel at Park West
Dallas, Texas

Building The
Wireless Future

AGENDA

Thursday, October 28

9:00 - 9:15	Opening Remarks
9:15 - 10:15	Nokia
10:30 - 12:00	Hughes
12:00 - 1:30	Lunch in the Hunter's Lounge
1:30 - 3:00	Qualcomm
3:00 - 4:30	Northern Telecom
4:45 - 6:15	ALCATEL

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LEGAL DEPT.

Friday, October 29

8:00 - 9:00	AT&T
9:00 - 10:30	Ericsson
10:45 - 12:15	Motorola

EXHIBIT 4 -- Customer Brochures

Sprint Spectrum Brochures

Sprint Spectrum™

Features and Benefits



Call today for more information:

1-800-311-4220

Sprint Spectrum™

provided by:

American Personal Communications

A Sprint Telecommunications Venture affiliate

Bethesda, MD

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Sprint

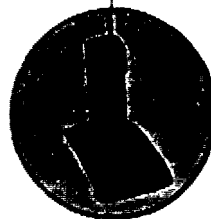
Sprint SpectrumSM

The Future is Here.

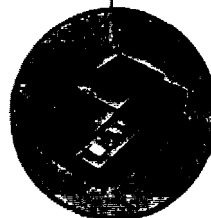
The new Sprint Spectrum system puts the full spectrum of personal communication in the palm of your hand; with an unprecedented range of features and services.

From crystal clear voice quality . . . to convenient text messaging and voicemail . . . to call privacy . . . and so much more.

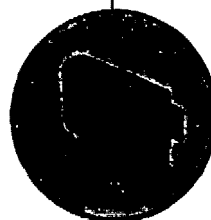
The Sprint Spectrum system will help you manage your life a little better. While you are in the Sprint Spectrum service area, you can make calls to — and receive calls from — anywhere in the world. You can also receive voice, text and numeric messages at any time. . . so that you can stay in touch — even when your handset is turned off.



Phone



Answering Machine



Pager

Your All-in-One Personal Communication System

Sprint Spectrum gives you a personal phone, answering machine and pager that fits in the palm of your hand and offers the features you need:

- ▶ 100% Digital state-of-the-art network
- ▶ Answering machine and pager
- ▶ Exceptional voice quality
- ▶ Call privacy and security
- ▶ Caller ID
- ▶ Voicemail
- ▶ Text Messaging
- ▶ Call Waiting
- ▶ Call Forwarding
- ▶ Call Barring
- ▶ Information Service
- ▶ Free 911 Access

Features and Benefits

100% Digital Wireless Network

The next generation of wireless communications.

Sprint Spectrum is the first Personal Communication System in the United States. Because the network is 100% digital, it gives you the highest quality, most reliable service available today for your communications needs. Digital technology is the reason Sprint Spectrum can offer you so many new features on a wireless communications system. And more great services are on the way.

Answering Machine and Pager

Stay in touch. Your handset is a personal phone with a built-in answering machine and pager. You can stay in touch even if you can't answer your phone, or it's busy or turned off. The Sprint Spectrum Answering Machine automatically answers those calls, takes messages for you and saves them until you have time to listen to them. What's more, it gives callers the option of sending you a numeric page (a phone number to call, displayed on your handset screen) instead of leaving a voice message.

The Answering Machine and Pager feature is included free of charge with every Sprint Spectrum service subscription.

Exceptional Voice Quality & Clarity

A new standard for wireless communications. Tired of poor call quality on today's cellular phones? Sprint Spectrum gives you the answer.

- ▶ Crisp, clear communications
- ▶ Virtually static-free conversations
- ▶ No "cross-talk"
- ▶ Better in-building coverage

Call Privacy and Security

Say goodbye to eavesdropping. Sprint Spectrum is the only wireless system that brings you totally private, portable communications for the price of what you want on every call. Now you can be sure that no one is listening in to your conversation.

Sprint Spectrum uses its unique digital technology to prevent eavesdropping and fraud by

- ▶ Encrypting your calls — to prevent "listening in" by outsiders
- ▶ Authenticating callers during call set-ups — to prevent unauthorized use of your phone number

These powerful capabilities give you complete call privacy and security, something that no other wireless communications technology can offer you today.



Features and Benefits

Caller ID

Know who's calling before you pick up. Caller ID shows you the number of the person who's calling you before you answer. You can decide whether or not to answer the call. Calls you do not answer will go to your Answering Machine.

Display the phone number on your handset's display screen. The call must originate from a caller within the Sprint Spectrum network or from a phone in the local calling area.

Caller ID is included free of charge with your Sprint Spectrum Service.

Voicemail

Enhanced voice messaging capabilities. Sprint Spectrum Voicemail is for everyone who needs more than basic Answering Machine service. With Voicemail, you get all the messaging features of the built-in Answering Machine, but with enhanced capacity. Plus, you'll benefit from "mailbox to mailbox" messaging, which lets you create and forward messages directly to other Sprint Spectrum subscribers. You can send messages to mailing lists that you create. And you can defer your messages for future delivery. Together, these features add up to real messaging power.

Sprint Spectrum Voicemail is available to subscribers for a low monthly fee.



Text Messaging

Ensure message delivery. With Text Messaging, you'll always get information that you need, even if you don't want to be disturbed. Callers can contact the Sprint Spectrum Message Center and leave detailed messages of up to 160 characters to be sent to your handset 24 hours a day. You will receive the messages even if your handset is turned off or you have a call in progress.

Text messaging software for your personal computer is also available. The software lets you write and send messages directly from your computer to other Sprint Spectrum subscribers.

A low monthly fee is charged for Text Messaging.

Call Waiting

For the important calls you can't afford to miss. Call Waiting makes sure that your critical calls get through. When you're on a call, you'll know when another call is waiting for you. Plus, you can make another call from your handset while you keep the first call on hold. It's like having a second line.

Call Waiting is included free of charge in some pricing plans. For others, a low monthly fee is charged. Standard airtime rates are also charged.

Call Forwarding

Send your calls where you want them. Want your calls diverted to another number? Try Call Forwarding. When you're away from your handset, or don't want to be disturbed, Call Forwarding lets you automatically send all incoming calls to a number you specify.

A low monthly fee is charged for Call Forwarding. Standard airtime rates apply.

Features and Benefits

Call Barring

Control cost. Call Barring allows you to specify the types of calls you want to be made from (or sent to) your handset. Call Barring gives you greater control of your personal phone use and helps you avoid unwanted costs. Call Barring can be turned on or off at any time.

A low monthly fee is charged for Call Barring.

Information Services

Dial up the information you need. Sprint Spectrum Information Services give you up-to-date information about a variety of subjects. It's easy — all you have to do is dial *INFO and pick the topic that interests you from the menu provided:

- ▶ Weather
- ▶ News
- ▶ Sports
- ▶ Financial News
- ▶ Traffic
- ▶ Horoscope
- ▶ Lottery Numbers

A special airtime rate is charged for calls made to Sprint Spectrum Information Services.

Free 911 Access

Security and peace of mind. In times of emergency you want simple, direct access to help. With Sprint Spectrum, you dial 911, just like on any other phone. There is no charge for 911 calls.

Making Your Life A Little Easier

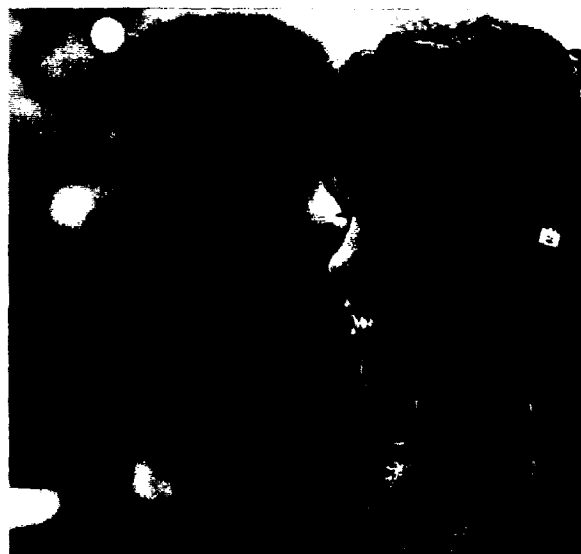
No Long-Term Service Contracts Required

No strings attached. Because Sprint Spectrum is so easy to activate, and because you shouldn't have to be "locked in" to a service you want, you don't need to sign a long-term service contract. Sprint Spectrum Service is here for as long as you want to use it. If for any reason you are not completely satisfied or wish to terminate service, just call Customer Care.

Hassle-Free Activation and Service

Anywhere, Anytime — Over-the-air activation. Sprint Spectrum is very easy to activate! One phone call to Customer Care is all it takes. Within minutes, Customer Care can turn on your service for the first time, add features, and build your account profile — completely over-the-air. There's nothing else like it in the industry.

This unique "over-the-air activation" is possible because all of your account information is stored on a "Smart Card" microchip in your handset. A Customer Care Representative can update information to the Smart Card instantly whenever you need.



Features and Benefits

Personalized Features and Services

Customized to You. With so many features and services available, Sprint Spectrum gives you all the options you need to build a personal communications system that is right for you. A Customer Care representative will work with you to assess the options and match them to your individual requirements.

Customer Care

Available 24-hours a day, 7 days a week. The Sprint Spectrum Customer Care Center is staffed round-the-clock, every day. Friendly Customer Care representatives are available to handle all of your needs — from answering questions to checking your account status to arranging service changes. So you can make a change in your service at any time.



Technology Made Simple

Sprint Spectrum is technology at its best: Easy to use. Easy to learn.

Simple in design. Convenient to your personal lifestyle. Sprint

Spectrum has all the elements to help you manage your personal and business life.

For more information about Sprint Spectrum, please call

1-800-311-4220

NOW IT'S EASIER

...than ever to be "in-touch" in the greater

Washington-Baltimore area. Sprint Spectrum

is the first all-in-one personal phone, answering

machine and pager that goes with you. While you

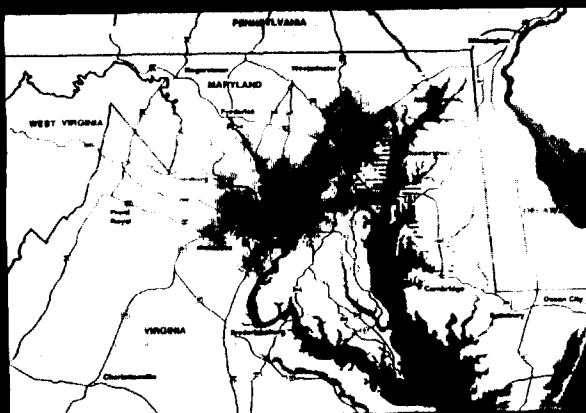
are in the Sprint Spectrum service area, you can




make calls to and receive calls from anywhere

in the world. You'll enjoy crystal-clear voice

quality, total call privacy and better value than

cellular phone systems.



-  High quality coverage available now
 -  Variable coverage available now
 -  Additional coverage available during 1996
- Striped areas indicate coverage over water

The Sprint Spectrum service is a limited service. Coverage is not available in all areas. Service is subject to change without notice. Sprint Spectrum is a registered trademark of Sprint Communications Co. L.P. While we endeavor to make maps as accurate as possible, we do not warrant the information provided. There is no guarantee of service availability.

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Sprint Spectrum

Service Area Map



Sprint

Sprint Spectrum

Service Area

The Sprint Spectrum service area covers the Washington, D.C. area and extends into Maryland, Virginia, and Delaware. Sprint Spectrum service is available in the following areas:

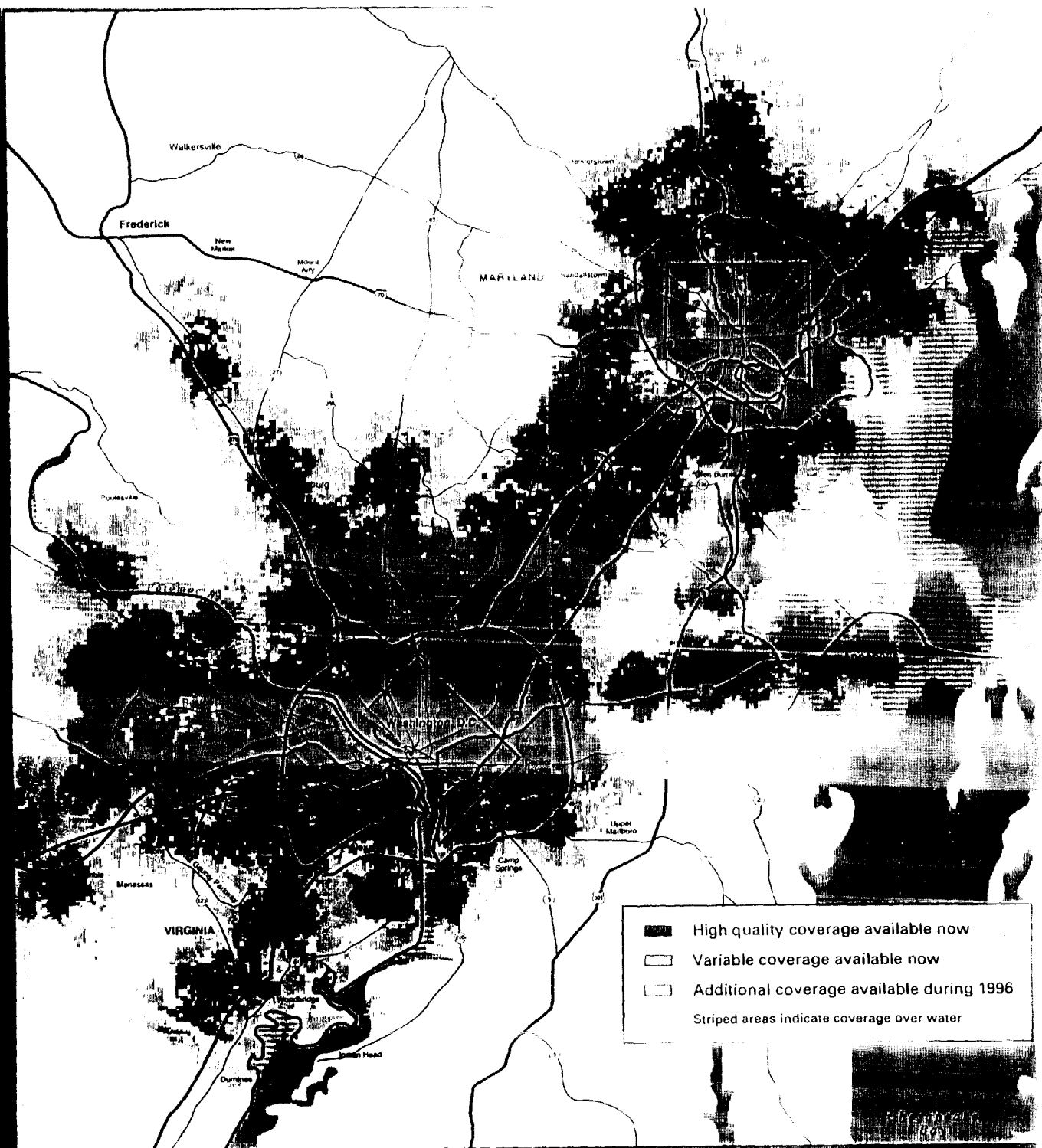
The Sprint Spectrum service area covers the Washington, D.C. area and extends into Maryland, Virginia, and Delaware. Sprint Spectrum service is available in the following areas:

Our map shows the high quality service offered to all Sprint Spectrum users.

The map shows where you can use your Sprint Spectrum handset today as well as where service will soon be available. As long as you are within the service area, you can make calls to, and receive calls from, anywhere in the world.

The Sprint Spectrum service, like all radio technology-based services (including TV and radio), can be affected by local conditions which may interfere with radio signals. This includes some wooded areas, hills and valleys. In some cases, Sprint Spectrum service may be impaired inside buildings and on trains.

Because we are constantly expanding and improving our service, we encourage you to call 1-800-SPRINT-4663 for the latest information on Sprint Spectrum service. For more information, visit our website at www.sprint.com.



Sprint Spectrum Service Plans Include:

Free Airtime – All service plans have airtime included at no extra charge. So you can make calls when you want to without worry.

No Contract – Unlike cellular, Sprint Spectrum does not require that you sign a long-term contract.

Built-In Answering Machine – With your handset's built-in answering machine, you can stay in touch even if you can't answer your phone, or if it's busy or turned off. The answering machine automatically answers these calls, takes messages for you and saves them until you have time to listen to them.

Built-In Numeric Paging – Every handset includes built-in numeric paging at no extra charge. Callers can leave a phone number for you to call when you want to.

Built-In Caller ID – Every handset includes Caller ID at no extra charge. So you'll see the number of the person who is calling you before you answer. If you choose not to answer, the caller can leave you a message or a page.

Free Minute for Incoming Calls – The first minute of incoming calls is free – so you can give out your number and not worry about paying for calls you don't want to receive.

Great Rates on Sprint Long Distance – With Sprint Spectrum you get your choice of two great Sprint long distance plans. Just tell Customer Care (when you sign up for service) whether you'd prefer Sprint Sense™, which gives you 22¢ per minute peak and 10¢ per minute off peak, or "flat rate" pricing of 15¢ per minute, anytime – day or night.

Choose Your Number – In order to make your number easy to remember, Customer Care will try to match the last four digits of your number to those of your choice when you call to activate (subject to availability).

Choose Your Billing Cycle – You select the time of the month you want to receive your bill, so it arrives when you want it to.

Detailed Billing – Each invoice you receive is easy to read and will give you full detail of all call activity for the month.

Handset Replacement Program – Handset replacement protection is included with all service plans, except Talk 15 and Talk 30, so you automatically protect your investment. Handset Replacement Program is available on Talk 15 and Talk 30 for \$4/month.

Customer Care Is Always There – Our friendly Customer Care Representatives are available 24 hours a day, seven days a week to help you. Call them to get answers to questions or change service plans. This call is always free – Dial 611 from your Sprint Spectrum handset or 1-800-311-4220 from any phone.

Call today for more information 1-800-311-4220

Call today for more information:

1-800-311-4220

Sprint Spectrum™

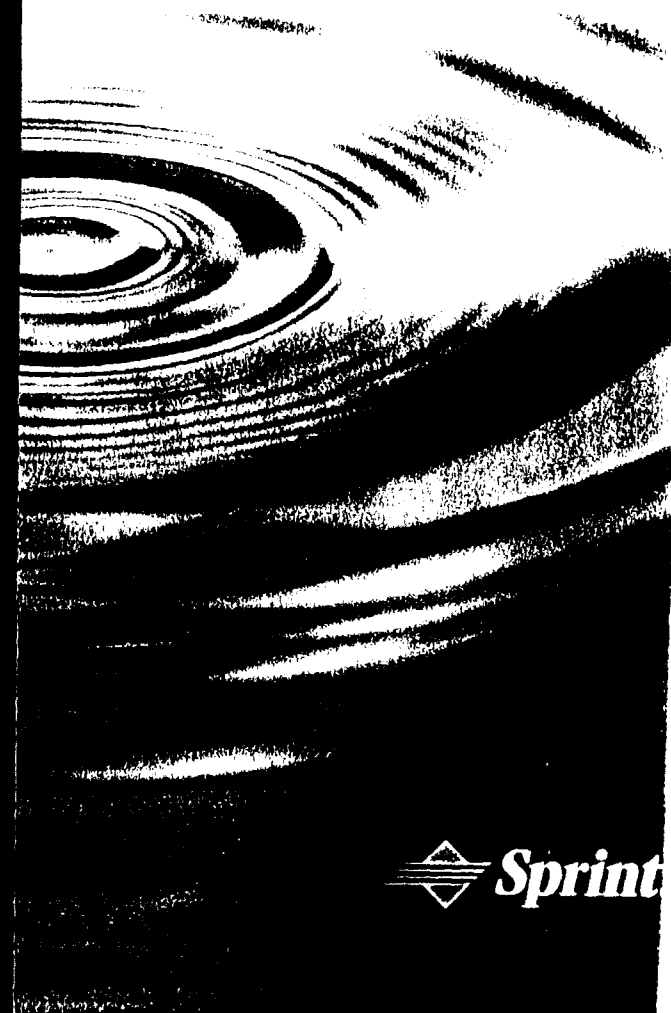
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Pricing Guide



 **Sprint**